

July 22, 2009

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Office of the Clerk  
United States District Court  
Theodore Levin U.S. Courthouse  
231 West Lafayette Blvd. - Room 534  
Detroit, MI 48226

05-10241

Re: Szymanski v. Revco  
NO: 05-10241

**FILED**

JUL 24 2009

CLERK'S OFFICE-DETROIT-PSG  
U.S. DISTRICT COURT

Dear Sirs/Madams:

Please be advised that Mr. Davidson, State Appellate Assistant Defender, has advised me to notify Judge Hanson of my address change.

Also, A different defendant may have submitted a letter in my case.

Enclosed please find copy of Mr. Davidson's June 17, 2009 letter.

Please send me a current copy of the docket entries in this case.

I trust this letter will meet with your immediate attention.

Enclosure

Very truly yours,

Eugene Szymanski

## STATE APPELLATE DEFENDER OFFICE

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June 17, 2009

Mr. Eugene Joseph Szymanski  
No. 105022  
Carson City Correctional Facility  
10522 Boyer Road  
Carson City, MI 48811-5000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dear Mr. Szymanski:

Enclosed please find a copy of the June 12, 2009 order of the Michigan Court of Appeals, denying your appeal. The trial court's September 5, 2007 order appointing SADO to represent you provides for services through a final decision of the Court of Appeals, and we are closing our file. This letter explains what you can do to further appeal your case on your own.

You can appeal your case directly to the Michigan Supreme Court, and you obviously must do so in order to exhaust your issues so that you can raise them in your Federal habeas petition, which Judge Lawson has held in abeyance. Fill out the enclosed forms entitled Pro Per Application for Leave to Appeal to the Michigan Supreme Court, using the instructions in the forms. I have enclosed two extra copies of your appeal brief and the order of the Court of Appeals for you to attach to the copies of the application. Send the application directly to the Clerk of the Michigan Supreme Court, Hall of Justice, 925 West Ottawa, P.O. Box 30052, Lansing, MI 48909. Be sure to mail the application early enough so it arrives by the deadline of **August 7, 2009**, which is 56 days from the date of the Court of Appeals order.

I also recommend that you send Judge Lawson a copy of your application, to demonstrate that you have not abandoned your Federal habeas petition and you are continuing to exhaust your issues in the Michigan courts. I have checked the docket entries in your Federal case and determined that the court did not receive your change of address, but instead mistakenly docketed a letter from a different defendant. Therefore, I recommend that you send another letter notifying Judge Lawson of your current address.

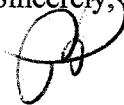
Mr. Eugene Joseph Szymanski  
June 17, 2009  
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I also received a phone call from Chad Ray at the Michigan Innocence Project, informing me that you have directly corresponded with them about obtaining retesting of the evidence in your case. I told Mr. Ray that we had already requested that the Wayne County Prosecutor submit the complainant's jacket to the Michigan State Police for re-examination of the bullet holes, but that the State Police did not perform gunshot residue testing. Mr. Ray indicated that he would find out if the Innocence Project could arrange for gunshot residue testing by an independent laboratory. I will notify you immediately when we obtain any results from the State Police examination.

If you require any transcripts or materials from your file, do not hesitate to contact me and I will forward them if available. Our policy is to retain closed cases in storage for twenty-five years and then destroy them.

Sincerely,



Randy E. Davidson  
Assistant Defender

RED  
Enclosures  
cc: File